

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-03-31**

Date Published: March 26, 2009
For Work Week Commencing: March 30, 2009
Commission Meeting: March 31, 2009, 9:00 a.m.

General Introduction *This agenda is the Commission's Utility Division agenda for the work week designated. In the latter part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.*

Place of Meetings *All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.*

Live webcast *Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio and video feed links on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.*

Inquiries *General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.*

Accommodation for Persons with Disabilities *Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.*

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Frontier Communications N2009.3.35 (Gary)

On March 18, 2009 Citizens Telecommunications Company d/b/a as Frontier Communications of Montana (Frontier) filed for Commission approval an Individual Case Basis (ICB) Agreement between Frontier and the Troy Public Schools. Frontier filed cost support information. The ICB is the result of Frontier reaching an agreement with Troy Public Schools to provide telecommunications services within Frontier's incumbent territory. **Probable Motion:** Move to approve the Individual Case Basis agreement between Citizens Telecommunications Company d/b/a as Frontier Communications of Montana and the Troy Public Schools in Docket N2009.3.35.

2. Central Montana Communications N2009.3.33 (Scott)

On March 13, 2009, Central Montana Communications (CMC) requested changes in their tariff. The change CMC is requesting is to shorten the construction footage length relative to the length of service contract the customers must sign. **Probable Motion:** Approve CMC's request in Docket N2009.3.33.

3. CenturyTel N2009.3.34 (Scott)

On March 13, 2009, CenturyTel filed advice No. 09-01. The purpose of this filing is to introduce Business Emergency Line Service as a new offering. The Company requests an effective date of April 13, 2009. **Probable Motion:** Approve CenturyTel's advice No. 09-01 in Docket D2009.3.34.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. NARUC request for state commissions to sign letter to NTIA/RUS re: NARUC position on federal Broadband Technology Opportunities Program – Consider whether to sign NARUC letter. (3/31/09)
2. PSC consideration of new standards in federal Energy Independence & Security Act of 2007 – Approve initiating a docket to consider whether to adopt the standards. (3/31/09)

3. D2009.1.6 – Rulemaking petitioners Ron Tussing & Paul Williamson – Street lighting/outdoor lighting rulemaking petition – (1) Consider petition filed and to determine whether to initiate rulemaking proceeding or to deny petition, and (2) Act on Petitioner's motion to strike NorthWestern attachments to its comments. (3/31/09)
4. Out-of-state staff travel – Obtain approval of two travel requests: (1) Mike Lee's travel to Portland, Or, for three Conservation Resources Advisory Committee meetings, 4/17/09, 5/15/09, and 6/19/09, and (2) Kate Whitney's travel to the Regional Oversight Committee meeting in Denver, April 23-24. (3/31/09)
5. Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (3/31/09)
6. CDV2009-148 – NorthWestern Energy v. PSC – Petition for Judicial Review of Order No. 6906g in D2008.4.36 – Discuss and act on authorizing staff to participate in settlement negotiations. (3/31/09)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

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| 1. <u>Qwest Corporation</u> | <u>N2009.3.36</u> | <u>Gary)</u> |
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On March 16, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi State Agreement (MSA) between Qwest and RBC Capital Markets Corporation (RBC). Qwest is filing the MSA with the Commission for approval

pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from RBC seeking pricing for their future telecommunications needs in Qwest's 14 state incumbent territory, including Montana. The services being purchased by RBC are available from other competitive carriers in addition to Qwest.

2. Verizon Business Service N2009.3.37 (Scott)

On March 18, 2009, Verizon Business Service filed Transmittal Letter No. 09-01. This filing proposes the following: Increase Business B2 Integrated Service Rates; Grandfather Small Business Credit Plan; and Introduce New Residential Two Month Free Plan.

3. Qwest LD Corporation N2009.3.40 (Scott)

On March 23, 2009, Qwest LD Corporation (QLDC) filed Tariff Transmittal QLDC09-01. The purpose of this filing is to introduce language to give them the ability to respond to situations where customers' telecommunications services are interrupted by natural disasters by providing alternative telecommunications services and waivers.

4. Qwest Communications Co., LLC N2009.3.41 (Scott)

On March 23, 2009, Qwest Communications Co., LLC (QCC LLC) filed Tariff Transmittal QCC09-02. The purpose of this filing is to introduce language to give them the ability to respond to situations where customers' telecommunications services are interrupted by natural disasters by providing alternative telecommunications services and waivers.

5. Qwest N2009.3.42 (Scott)

On March 23, 2009, Qwest filed Tariff Transmittal 09-02. The purpose of this filing is to introduce language to give them the ability to respond to situations where customers' telecommunications services are interrupted by natural disasters by providing alternative telecommunications services and waivers.

6. Wettington Water District, Inc. N2009.3.32 (Leroy)

On February 27, 2009, Wettington Water District, Inc. filed for changes/additions to its tariff sheets. Wettington is requesting to establish

late fees of \$5.00 if bills aren't paid by the 10th of the month following service, an additional \$10.00 late fee if not paid by the 20th of the month following service, a returned check fee of \$30.00, disconnect/reconnect fees of \$25.00 during regular business hours and \$50.00 during non-regular business hours including weekends and holidays, and a deposit for reconnection due to non-payment of monthly water and all fees of \$55.00.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. Avista Corporation (Avista) N2009.3.29 (Jim)

On March 5, 2009 Avista filed a motion for protective order to govern access to Schedule 16 of its 2008 Annual Electric Report (top 10 compensated employees in Montana). Avista bases its request on individual privacy of its employees.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

N2009.3.37 – MCI Communications Inc. d/b/a Verizon Business Services – Transmittal Letter No. 09-01

N2009.3.38 – Black Hills Corporation – Application for Authority to Establish a Quarterly Fuel Rate Rider.

N2009.3.39 – Miller Oil Co. – Tariff Revision – (Propane Cost Tracking Adjustment Procedure)

N2009.3.40 – Qwest LD Corporation – Tariff Transmittal QLDC 09-01 – Natural Disaster Relief for Customers

N2009.3.41 – Qwest Communication Company, LLC – Tariff Transmittal QCC 09-02

N2009.3.42 – Qwest Communication – Tariff Transmittal 09-02 – Natural Disaster Relief for Customers

D2009.3.43 – BLC Management LLC d/b/a Angles Communication Solutions – Application for Designation as an Eligible Telecommunication Carrier within the State of Montana